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7
 8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

10 BSLC, LLC, 11 Plaintiff 12 v. 13 TOEMEKA PARKER, and Does 1 - 10,	14 CASE NUMBER: 15 CV 16-01990-RGK (ASx)
16 Defendant(s).	17 ORDER REMANDING CASE TO 18 STATE COURT

19 The Court sua sponte REMANDS this action to the California Superior Court for the
 20 County of Los Angeles for the reasons set forth below:

21 Removal jurisdiction is governed by statute. See 28 U.S.C. §1441. The Ninth Circuit
 22 applies a strong presumption against removal jurisdiction, ensuring “the defendant always has the
 23 burden of establishing that removal is proper.” Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th Cir.
 24 1992); see also In re Ford Motor Co./Citibank, 264 F.3d 952, 957 (9th Cir. 2001) (“The party
 25 asserting federal jurisdiction bears the burden of proving the case is properly in federal court.”).
 26 “If at any time before final judgment it appears that the district court lacks subject matter
 27 jurisdiction, the case shall be remanded.” 28 U.S.C. § 1447(c); FW/PBS, Inc. v. Dallas, 493 U.S.
 28 215, 231 (1990) (“federal courts are under an independent obligation to examine their own
 jurisdiction”); see also Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks
 subject-matter jurisdiction, the court must dismiss the action.”)

1 The Court lacks subject matter jurisdiction over this case because:

2 Removing defendant has not pled a basis for federal question jurisdiction.

3 There is no basis for federal question jurisdiction because there are no federal
4 claims at issue in this action. Compare 28 U.S.C. § 1331; with Not. of Removal.

5 Although removing defendant claims there is federal question jurisdiction because
6 of the affirmative defenses at issue, this does not confer federal question
7 jurisdiction over the action. See *Berg v. Leason*, 32 F.3d 422, 426 (9th Cir. 1994)
8 (“[A]n affirmative defense based on federal law” does not render “an action
brought in state court removable.” (citations omitted)).

9 Removing defendant has not pled a basis for diversity jurisdiction.

10 Removing defendant has not alleged that each plaintiff is diverse from each
11 defendant. Compare 28 U.S.C. § 1332; with Not. of Removal.

12 Removing defendant has not alleged that the amount in controversy exceeds
13 \$75,000. Compare 28 U.S.C. § 1332; with Not. of Removal.

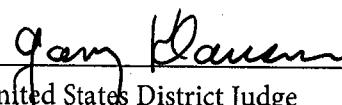
14 In fact, the underlying unlawful detainer action is a limited civil action that does
15 not exceed \$25,000. See Not. of Removal.

16 The underlying action is an unlawful detainer proceeding, over which we do not have
17 jurisdiction. See *Franchise Tax Bd. v. Constr. Laborers Trust*, 463 U.S. 1, 10 (1983)
18 (defendant may not remove case to federal court unless basis for federal jurisdiction
apparent on the face of the complaint).

19 Accordingly, IT IS THEREFORE ORDERED that this matter be REMANDED to the Superior
20 Court of California listed above, for lack of subject matter jurisdiction.

21 IT IS SO ORDERED

23 Date: APR 1 2016


24 United States District Judge